Previous references.

File No. 1
of 1904-05

190 1

(III Courts)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 and 2

PART B FOR November 1904.

SUBJECT.

Certified copies of documents

FILE No. 111 of 1904-05.

Certified copies of documents.

1 From the Registrar of the Chief Court, No. 2090—113, dated the 29th September 1904.
Forwards for such action as the Government may deem fit to take copy of judgment of the Chief Court in Appeal No. 363 of 1903-04, suggesting the desirability of issuing a general order that all public officers who give certified copies should invariably mention therein the dates of original documents. (Enclosure copy of judgment.)

2 Government Proceedings No. J. 1119-59—C. 111-2, dated the 7th November 1904, to the Registrar of the Chief Court, Heads of Departments and Deputy Commissioners of Districts.
Directs that all public officers who give certified copies of documents, whether to private parties or others, should invariably mention therein the dates of the original documents as far as the same are ascertainable.

G. R. S.

To the Compiler, *Mysore Gazette*, No. J. 1158—C. 111-2, dated the 7th November 1904.
Forwards copy of the above for publication in 3 successive issues of Part I.

(248)

G. R. S. 11

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 111

FILE HEADING.

Certified copies of documents

From

the Registrar of the Chief Court.

No. 2050/113 Dated 29/9/04. Received 1/10/04.

Diary No. 723 | Inclos. one Spare Copies. - | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards, for such action as Govt. may deem fit to take, copy of judgment of the Chief Court in Appeal No. 363 of 03-04. Suggesting the desirability of the issue of a general order by Govt. that all public officers who give certified copies should invariably mention therein the date of the original documents.

NOTES AND ORDERS.

Record in B 9-11-04

1. Submit for orders

Ord 13/10/04. MM 13-10-04 2. A draft embodying the suggestion, which seems a good one, is submitted for approval. [The documents contemplated by the Chief Court are maps & other plans

NOTES — First sheet.

MGC PB—25,000—18-8-04

General and Revenue Secretariat.

File No. 111 of 1904-05.

Serial No.

documents which do not always bear the date of their preparation on their face.]

Ag
14/10/04

3. Draft is submitted to the Devansahib thro' the Secretary to Commissioner
14.10.1904

849
15-10-04
Ag
14/10/04

4. Draft approved.

(248)
15/10/04
15.10.1904

227
15.10.04

2. Sub. Paras Nos. 2 (115-57) & 3/11/04 of the Register of the Chief Court, Heads of Depts. & Superintendents of Districts.

Directs that all public officers who furnish certified copies of documents should invariably mention therein the dates of the original documents as far as the same are ascertainable.

To the Compiler, Mysore Gazette No. 2 (158) & C. (112)
7/10/04.

Forwards copy of the Govt. Notification in successive issues of Part I of the Gazette.

6.4
1.687

NOTE—Contn. sheet.

MGCPB—10,000—19-5-04

No. 2090 Sui
113

Serial no: 1 1723

File No 111.

Bangalore, 29th September 1904.

From

V. A. Rajaratna Mudr Esqr
Registrar, Chief Court
of Mysore.

To

B. K. Venkatavardaungar Esqr,
Secretary to Government
General & Revr Departs

Sir,

I am directed to forward copy of Judgment in appeal No. 363 of 1903-04 on the file of this Court, and to request that you will be so good as to lay the same before Government for such action as they may be pleased to take with regard to the suggestion contained in para 3 of the Judgment.

I have the honor to be,
Sir,
Your Most Obedient Servant

Registrar

Mhc.

In the Chief Court of Mysore at Bangalore

Wednesday, the 7th day of September 1904.

Present

Mr. Justice A. E. Staley, Chief Judge

and

Hn. Justice H. V. Nanjundayya, Judge.

Appeal No. 363 of 1903-04.

1 Chennappa
2 Lingayya. } Appellants (Plffs.)

~~vs~~

1 Hoocha 2. Kapani
3 Kamba 4 Hutcha
5 K. Kapani 6 Nanja
7 Dodda 8 N. Hutcha
9 M. Kapani 10. T. Nanja
11 Renga 12 M. Nanja
13 D. Nanja 14 Kapani Maistry
15 T. Nanja 16 Madihaley Gowda
17. Nayiga 18. Narasa. } Respondents (defts.)

Appeal against the decree of the Munsiff of Tumkur in O. S. No. 935 of 1902-3.

This

This appeal coming on for hearing on Monday, the 5th day of August 1904, the Court delivered the following:

Judgment

The plaintiffs sue to recover possession of small plats of ground which the defendants have occupied, their field bearing Survey No. 85 as enclosures for stacking their straw in some cases and depositing manure in others. The land is admittedly registered in the 1st Plaintiff's name and the plaintiffs are paying an annual assessment of rupees 4 therefor. Their allegation is, that the defendants obtained these plots from them some 7 or 8 years ago on the understanding that they would vacate the land whenever desired.

The

The defendants deny the truth of this agreement and say that the manure pits existed there for a long while from the time of their ancestors and that the straw enclosures have been put since 1882 and that the site belongs to the defendants themselves.

2 There has been some confusion in the way in which the case has been handled in the lower Court. The plan attached to the plaint (marked X1) has not been correctly drawn to scale, but it is evidently a rough copy of Exhibit A which is a correct drawing made when the land was subdivided at the request of the plaintiffs or their predecessor. According to A and the

the explanatory statement A_2, the four plots marked are described as follows:-

	area acres.	Kharab (uncultivable)	Balance (cultivable)	assessment Rs. as — p
1.	$2\frac{35}{40}$	$\frac{3}{40}$	$2\frac{32}{40}$	3 — 0 — 0
2	$\frac{34}{40}$	$\frac{34}{40}$	-	0 - 0 - 0
3	$1\frac{13}{40}$	$1\frac{13}{40}$	-	0 — 0 — 0
4.	$1\frac{2}{40}$	-	$1\frac{2}{40}$	1 — 0 — 0

3. Part 1 is described as land actually in cultivation, 2 as grave-yard, 3 as manure pits, pathway &c. and 4 as a place where straw yards are standing. This important document does not contain the date on which it was prepared, and we think it desirable that a general Order should be issued by Govern-ment that all public officers who give certified copies should invariably

mention

2 mention therein the dates of the original documents.

4 Exhibit II shows that there was a complaint about Survey No. 85 being made to include more land than belonged to the Khatedar Channamma (1st plaintiff) apparently, and that the Survey Superintendent ordered in 1882 that he should be given only $3\frac{34}{40}$ acres which he had previously been enjoying and that the rest $2\frac{10}{40}$ acres should be entered as uncultivable waste. Exhibit A nearly tallies with this and probably shows that it was the record of the Subdivision marked therein The Sanbog says that the Amildar had deputed an Acting Sekdar Bhimanna to do the subdividing work

work, 2 years after the Survey settle-
-ment. But it is difficult to say whether
he refers to this record, as, on the
margin, Exhibit A shows the sig-
-nature of one Timmaji Nara-
-simha, a measurer of the Survey
department. There is no reason-
-able doubt that this record was
made soon after the Survey
Settlement, (i.e. more than 12
years before the filing of the suit).
It clearly shows that the straw
enclosures now complained of
already existed on the land.

5. Exhibit I is a petition by
1st Plaintiff, dated 15th April 1899,
and does not say anything
about the agreement now set
up, by which the defendants
are stated to have obtained

the

the land on the understanding that it should be given up when asked for It is therein paid that the villagers with the helps of the Deputy Amildar had squatted on his land without his consent. The explanation given by the plaintiff that the writer inserted this statement without his consent is not worthy of belief.

6. The terms of Exhibit II show that there were no straw yards at the time of the survey. The defend-ants are therefore driven to the necessity of saying that they had manure pits there first and subsequently had straw yards. This seems to show that they trespassed upon the land subsequently; but there is little doubt that they have

been

been in occupation for more than 12 years before the suit, and that the special agreement alleged by the plaintiff is false.

7. We therefore see no reasons to disturb the judgment of the lower Court, and direct that this appeal be dismissed with costs.

Copy

Registrar

: Registrar

Mhn

Social No: 2

File No. III

Vide page 687 of Part I of the Mysore Gazette dt 10/11/04 (Gazette No. 44)

Read

Letter No 2090/113 dt the 29th Sept 1904 from the Registrar of the Chief Court of Mysore, inviting attention to the suggestion contained in para 3 of the Chief Court's proposal in Civil Appeal No. 363 of 1903-04

8/7/III/04

Order thereon No. J 1119-1157/III-2

15-10-04

The Govt are pleased to direct that all public officers who have certified copies of documents whether to private parties or others in which they invariably mention therein the dates of the original documents as far as the same are ascertainable

Govt

14.10.04

14.10.04

To the Secy, Chief Court. All Heads of Depts. The Dy Comrs of Districts & the Compiler, Mysore Gazette, for publication in three issues of Part-I.

2376

14.11.04

5.11.1904

Secy

Copd: D. Rec. 7-11-04.

Execd: 7-11-04

J 1158 9/7/III/04

C. III-2